

KB5TPRIC

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

-----x

3 KELLY PRICE,

4 Plaintiff,

5 v.

15 CV 5871 (KPF)

6 CITY OF NEW YORK, et al.,

7 Defendants.

8 -----x

New York, N.Y.
November 5, 2020
2:00 p.m.

10 Before:

11 HON. KATHERINE P. FAILLA,

12 District Judge

13
14 APPEARANCES (Telephonic)

15 KELLY PRICE, PRO SE

16 NEW YORK CITY LAW DEPARTMENT
Attorneys for Defendants

17 BY: LAURA IHEANACHOR
QIANA SMITH-WILLIAMS

18 METROPOLITAN TRANSPORTATION AUTHORITY
19 Attorneys for Defendants

20 BY: JASON BARNES
21
22
23
24
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1 (Via telephone, case called)

2 MS. PRICE: This is Kelly Price, plaintiff.

3 THE COURT: Thank you, Ms. Price, this Judge Failla.

4 Representing the MTA this afternoon?

5 MR. BARNES: This is Jason Barnes representing the MTA
6 defendants.

7 THE COURT: Thank you, Mr. Barnes.

8 And representing the other defendants in the case?

9 MS. IHEANACHOR: Yes, your Honor, this is Laura
10 Iheanachor for the police department.

11 MS. SMITH-WILLIAMS: And Qiana Smith-Williams for the
12 City of New York. Good afternoon, your Honor.

13 THE COURT: Good afternoon, thank you. Could you tell
14 me, please, of the two of you, is there one of you to whom I
15 should be directing my questions?

16 MS. IHEANACHOR: Yes, your Honor, Laura Iheanachor.

17 THE COURT: And may I ask again the pronunciation of
18 your last name?

19 MS. IHEANACHOR: Iheanachor.

20 THE COURT: Thank you much for your assistance today.
21 And Ms. Iheanachor, could I ask you, please, at the end of this
22 proceeding to arrange to obtain a transcript of this
23 conference, and when you receive it, to please transmit a copy
24 of it to plaintiff.

25 MS. IHEANACHOR: Yes, your Honor.

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1 THE COURT: Thank you for doing that.

2 This is a conference that I think long ago had been
3 designed to discuss the possibility of a settlement in this
4 case, but more recent communications from the parties have
5 indicated that, at least from the perspective of the City
6 defendants, there is no longer an appetite for settlement
7 discussions, although I would be happy to be proven wrong in
8 that regard. So I wanted to understand the parties' views
9 going forward.

10 Ms. Price, to the best of your understanding, has
11 discovery concluded in the case?

12 MS. PRICE: No, your Honor, not even.

13 THE COURT: Not even. I see. And where do you
14 believe we are with respect to discovery?

15 MS. PRICE: Your Honor, for a long time there has been
16 a constant, urgent plea I have issued to the Court in all of my
17 moving papers and oral arguments. I have asked you to
18 recognize, at the very least, that the Manhattan District
19 Attorney's Office is sort of lax when it comes to producing
20 honest responses to this Court's orders. And this issue has
21 only expanded in discovery when it comes to the Manhattan DA
22 and the delaying of exculpatory evidence production, destroying
23 evidence, and forging evidence in response to the subpoena for
24 discovery materials that we served.

25 Now there have been some judges recently in the

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1 Southern District that are starting to call out federal
2 prosecutors in a string of recent high-profile orders. While
3 the Manhattan DA and the federal prosecutors office are
4 entirely two different entities, I don't see any clear path to
5 holding the people who work at One Hogan Place to a lower
6 standard than the attorneys at St. Andrew's Place when it comes
7 to how they conduct business in front of you and in front of
8 this Court.

9 I ask you to consider the paltry evidence I have been
10 able to squeeze out of the District Attorney's Office obtained
11 this year in discovery in response to the subpoena sent,
12 endorsed by your Court, which is in no way sates the demands of
13 the discovery subpoena. And the way it was returned to me
14 against the landscape of comments about prosecutorial duty to
15 unhand exculpatory evidence and to be truthful in all dealings
16 with the Court by judges such as Honorable Judge Hellerstein in
17 the case against *Victor Mones Coro*, and most presciently and
18 recently Honorable Judge Nathan's landmark order and decision
19 in *US v. Najad*, 18 CR 224, Document 379, dated September 16 of
20 this year, in which she begins citing *Brady* and *US v.*
21 *Universitas* while she addresses the federal prosecutors.

22 Honorable Judge Nathan said: Prosecutors have
23 constitutional and statutory duties to disclose many types of
24 evidence to defendants. The principle of disclosure is central
25 to our criminal justice system. A prosecutor that withholds

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1 evidence on demand of an accused which, if made available,
2 would tend to exculpate him or reduce the penalty -- reduce the
3 penalty -- helps shape a trial that bears heavily on the
4 defendant. My emphasis. That casts the prosecutor in the role
5 of an architect of a proceeding that does not comport with the
6 standards of justice. *Brady v. Maryland*. And federal
7 prosecutors, like all parties that appear before the Court,
8 have ethical duties of candor. *United States v. Universitas*.
9 And prosecutors have a special duty not to mislead, and the
10 government should, of course, never make affirmative statements
11 contrary to what it knows to be the truth.

12 As with the prosecutors in *US v. Najad*, and in this
13 case, the Manhattan DA's office and the City Law Department
14 have repeatedly violated their disclosure discovery obligations
15 and, at best, toed the line with respect to their duty of
16 candor.

17 THE COURT: Ms. Price, I'm going to ask you to pause
18 for a moment. I'm not sure if you're aware of this, but
19 because we're doing this by phone, it more difficult for me and
20 for the court reporter to follow you. I'm just going to ask
21 you to speak a little slower. I certainly want to hear what
22 you have to say, but I also want to make sure all of it is
23 taken down. So thank you, and I will let you continue right
24 now. Thank you.

25 MS. PRICE: I'm so sorry, your Honor. I've actually

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1 written everything down and I'm happy to send you my script. I
2 just didn't want to burden the Court during this with having to
3 follow along verbatim, but I will try and be very slow.

4 The Manhattan District Attorney's Office topped the
5 actions of the lawyers in the case that Honorable Judge Nathan
6 presided over in *Najad*. The District Attorney's Office's
7 intentional misrepresentations to this Court have done me and
8 your Honor great harm. These actions have hamstrung valid
9 actions and delayed proceedings while the City Law Department
10 sat back and allowed them to file mistruth after mistruth.

11 Over the course of years in these proceedings, at
12 least once in late winter of 2017, the Court, your Honor, has
13 reached out to the DA's Office to answer under affidavit my
14 actions, and that office has responded to the Court with, in my
15 opinion, less than candid responses that were taken at their
16 word at that point in time.

17 At the end of my comments today, I would like to also
18 present evidence to you that proves that those 2017 responses
19 were known mistruths presented by the Manhattan District
20 Attorney's Office. But the DA's misconduct specifically in
21 discovery doesn't merely involve withholding exculpatory
22 evidence and making misleading statements.

23 THE COURT: Ms. Price, again I'm going to ask you to
24 pause. I want to make sure I'm understanding what you're
25 saying.

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1 Now the *Najad* case, Judge Nathan's, with which I'm
2 very familiar, having read her very thoughtful opinion on the
3 issue, was a case involving *Brady* disclosures in a criminal
4 matter. Is what you're saying to me today that in related
5 prosecutions involving you that you did not receive exculpatory
6 material to which you were entitled, or are you trying to
7 analogize the *Brady* standard to what you should be receiving in
8 this case?

9 MS. PRICE: Your Honor, because, as I'm going to go on
10 and explain to you, I have only just received back personal
11 property that the DA's Office has withheld from me for nine
12 years, and that has delayed my ability to restore myself and to
13 prevail, because the material that was returned to me is so
14 exculpatory and the way it was returned to me is so shady.

15 If you will allow me, I will run through it and I will
16 try and go slowly but quickly.

17 THE COURT: Go ahead.

18 MS. PRICE: So as far as the first point I want to
19 make here is the DA withheld this exculpatory evidence. I gave
20 the District Attorney's Office -- and by the way, I spent a
21 tremendous amount of time presenting this evidence to the City
22 Law Department over the summer, and I really felt like I had
23 some rapport, I thought we were going somewhere. But
24 regardless, this information has been passed on to the City Law
25 Department.

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1 So point one, the DA's Office has repeatedly denied me
2 the return of two telephones I turned over to them, to that
3 office during a June 21 -- if you look at the exhibits I sent
4 over, I turned over the June 21, 2001 Queen for a Day
5 appointment document with the District Attorney's Office that I
6 had with my defense counsel, and I marked that Exhibit A in the
7 sashay of exhibits that I sent over to run through today.

8 THE COURT: I'm looking at it now. Again, I ask you
9 to pause.

10 Mr. Barnes, have you received a copy of these
11 exhibits?

12 MR. BARNES: I was copied on the email that the
13 plaintiff sent earlier in the conference, yes.

14 THE COURT: Thank you. I am able to look at them
15 while I'm participating in this phone conference. Are you,
16 sir?

17 MR. BARNES: Yes, I am.

18 THE COURT: Thank you. And Ms. Iheanachor, the same
19 question.

20 MS. IHEANACHOR: Yes, your Honor, I have them up right
21 now.

22 THE COURT: Thank you very much. I will let you
23 continue, Ms. Price. I am looking at Exhibit A of what you
24 sent over. Thank you.

25 MS. PRICE: Thank you, your Honor, for indulging me.

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1 The details of that meeting on June 21, 2001 and the
2 handing over the phones have been described in prior docket
3 entries to your Honor and to previous judges, Honorable Judge
4 Preska, who presided ad nauseam, and I believe the Court is
5 familiar with this narrative.

6 The phones were finally returned to my former
7 attorneys at Cravath in late March of this year by ADA Lauren
8 Angelo, who has been assigned to respond to my discovery
9 requests. And that's a whole different story why all the
10 sudden Angelo is assigned and Susan Roque isn't, but I want to
11 skip over that.

12 After months of fighting, we got the phones back. And
13 remember, I have submitted receipts, but I own those phones, to
14 the Court, and I can attach them again, I just didn't attach
15 them here. I had purchased both phones in 2010 and I have the
16 receipt for both of them. One of them, my abuser, Raheem
17 Powell, was using. He was supposed to pay me back for the
18 phone and he never did and he continued to use it.

19 And in late --

20 THE COURT: I'm going to ask you to pause again,
21 please. It is Raheem Powell, R-A-H-E-E-M P-O-W-E-L-L?

22 MS. PRICE: Yes, your Honor.

23 THE COURT: I'm saying that for the convenience of the
24 court reporter. I will let you continue, thank you.

25 MS. PRICE: Thank you, your Honor. When Mr. Powell

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1 accidentally dropped the phone in my apartment in late January
2 of 2001, I examined the phone and I found evidence of coercion
3 and blackmail on the phone that Mr. Powell was preparing to use
4 and maybe had already employed against me.

5 After I had all charges dismissed and sealed in July
6 of 2012, I began asking for the return of those phones that I
7 had turned over on June 21st of 2011 to the District Attorney's
8 Office. The DA's Office continuously refused to return my
9 property and even appointed a FOIL officer to refuse a FOIL
10 that I submitted and I know the Court is familiar with.

11 THE COURT: I am.

12 MS. PRICE: And I have actually attached in my
13 exhibits a little bit further down, Exhibits E, I believe --
14 sorry, Exhibit F, a response by Susan Roque when I had the FOIL
15 determination. All the FOIL documents have been turned in to
16 the Court in the past. Regardless, I kept relentlessly asking
17 for the phones back because I knew they had proof of my
18 narrative that was incontrovertible on them.

19 And when we finally got the phones back, the District
20 Attorney's Office, ADA Lauren Angelo, said -- and I have
21 attached this as an exhibit as well, the exhibit is C, if you
22 go to page 2, I underlined the part I would like to bring to
23 the Court's attention where Ms. Angelo, in February or March of
24 2020, referring to phones handed over on June 21, 2011, says to
25 my attorneys: An item unintentionally not addressed in my

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1 letters are the cellphones related to the case. The phones
2 were never forensically tested, but are still in the case
3 files. You may send a messenger to pick them up at your
4 convenience.

5 So your Honor, the narrative here from the DA's Office
6 is that the phones just sat in the file and no one ever looked
7 at them. But if you look at Exhibit B, you can tell that
8 Cravath had the phones forensically tested. They sent them to
9 a high tech international firm called Alix Partners, A-L-I-X.
10 And Alix Partners made mirror images of the drives of the
11 phones, and on those drives we discovered that on June 28,
12 2011, a week after the phones had been turned over to the
13 District Attorney's Office, hundreds of files had been deleted.

14 Now destroying evidence is one thing, but withholding
15 that evidence from me for nine years is a whole different
16 thing.

17 THE COURT: Ms. Price, just for my clarification, I am
18 looking at Exhibit B, and it lists approximately maybe 20 or 25
19 files where the words "deleted" are quite clear. Is this the
20 totality of deleted files or is this just an example of files
21 that were deleted?

22 MS. PRICE: Your Honor, it's just one screen shot.
23 It's just an example. There are more.

24 THE COURT: Thank you. And you said it's your belief
25 that there were hundreds of files deleted on or about the 28th

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1 of June, 2011?

2 MS. PRICE: Yes, your Honor.

3 THE COURT: Thank you. I will let you continue.

4 MS. PRICE: So I'm having a hard time, of course,
5 believing the efficacy of what is coming out of discovery from
6 the District Attorney's Office, especially considering, if you
7 scroll down to Exhibits D and E. And I tried to be very
8 selective with these exhibits for the Court. I would like them
9 not to be entered into the public evidence. If they're
10 entered, please, if you could sequester them somehow because
11 they're very personal in nature, and wading through this
12 material is very troubling to me.

13 But on the phones that the District's Attorney's
14 Office held for nine years from me are all kinds of videos that
15 Mr. Powell had made. For instance, Exhibit B is a video made
16 on December 20, 2010 where Mr. Powell's voice is heard as he
17 pans his phone over an open laptop, displaying photos of me
18 nearly nude and my headless body posted on an escort dating
19 site. Mr. Powell's voice says: This is Ra. This is Kelly
20 F'ing Price. She's hoeing. She's a hooker.

21 I'm sorry, I'm not ready to continue.

22 THE COURT: You don't need to continue. I promise you
23 I'm following you along. You don't need to do this. But let
24 me please understand, did you extract Exhibit D from one of the
25 cellphones just returned to you or from somewhere else? Where

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1 is this coming from?

2 MS. PRICE: This is from the same phone, one of the
3 two phones that were just handed back from the District
4 Attorney's Office after nine years that Cravath sent to Alix
5 Partners.

6 THE COURT: So separate and apart from the hundreds of
7 files that this forensic review indicated had been deleted,
8 what remained were things like Exhibit D and the text messages
9 on Exhibit E, is that correct?

10 MS. PRICE: That is correct, your Honor. That's just
11 a very small sampling of the kind of things that the District
12 Attorney's Office -- beyond the implausibility of that being
13 true, with me asking for the phones and demanding phones and
14 FOILING the phones and putting in my state court actions and my
15 federal court actions that they're being improperly withheld,
16 and Judge Preska -- beyond all that, the District Attorney
17 famously has a \$10 million phone tech lab that they brag about
18 in the press, and I'm sure that everyone is familiar with the
19 amount of technology behind the Manhattan District Attorney.

20 Unfortunately, phones are so old that Alix Partners
21 could not tell if they in fact had been copied by anyone else,
22 but the deletions I think speak for themselves that in fact
23 somebody had gone through the phones and deleted whatever was
24 there. But on the other hand, I think that this tapped out on
25 the District Attorney's narrative that I was a faker and fraud

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1 of abuse, and they maintain that in all their moving papers
2 against me in state court and federal court that there is some
3 sort of -- anyway, I will move on.

4 Destroying evidence I believe is in violation of 18 US
5 Code 1512, but, of course, I'm not a federal prosecutor and I
6 don't have the right to bring criminal prosecution against a
7 district attorney's office, although I do believe that there
8 was a concerted effort to keep this evidence from me. Too many
9 people I had asked for it and too many people have denied it to
10 me.

11 THE COURT: Let's please talk about that, Ms. Price,
12 the concerted effort to keep the evidence from you. First, it
13 was in 2012 or thereabouts where you sought its return after
14 you understood that they were not bringing charges against you,
15 and it was denied at that time and then it was denied in
16 response to FOIL requests, and then, from your perspective,
17 it's been denied until February of this year.

18 MS. PRICE: I believe the phones -- I will have to
19 check, but I believe the phones were finally returned in March
20 or April of this year because the DA's office made me sign an
21 affidavit saying I was the owner of both phones before they
22 would return them. And that took some time for Cravath to do,
23 but yes, that's correct.

24 THE COURT: Again, because I want to make sure I
25 understand the facts in this case, other than -- there's a 2012

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1 request. When was the FOIL request?

2 MS. PRICE: 2014. I'm happy to turn in that original
3 request again. I have turned it in evidence in previous
4 complaints, but there's a voluminous docket there.

5 THE COURT: I don't know that I need that, I'm just
6 noting to myself. 2012, 2014, between then and this
7 litigation, were there other formal or informal requests that
8 you made of persons affiliated with the District Attorney's
9 Office for the return of the phones?

10 MS. PRICE: I will go over that in point 5, and I talk
11 about all the people that I made contact with, the prosecuting
12 District Attorney Kenya Wells, the head of the trial bureau
13 that Kenya Wells worked over, Minton Sabor, who is the director
14 of Trial Bureau 70. I had numerous email and telephone
15 conversations with Patricia Bailey, who is the supervisor of
16 Susan Roque or a compatriot at some managerial level in the
17 special litigations unit, and I have emails to Ms. Bailey.

18 And then, as I turned in my exhibits, I have
19 Ms. Roque's response to my FOIL appeal where she didn't say
20 that I won, even though I did win, she just demanded ADA
21 Maloney, who, by the way, was also the attorney appointed to
22 defend the DA's Office in state court, who was coterminously
23 falsely denying my FOIL for materials, all this material that
24 would have certainly hastened my chances of winning my state
25 court appeal. In 2014, you see that Susan Roque was reviewing

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1 the FOIL where I specifically demanded the return of the phones
2 and all information downloaded from the phones. And then again
3 in 2016 I added it as an action in my federal complaint when I
4 had named Susan Roque as a defendant individually in this
5 proceeding, and I had specifically said that Susan Roque and
6 Patricia Bailey withheld my phones from me.

7 So there's a long, documented record of me requesting
8 this material back, and I had given it in good faith during
9 this Queen for a Day, and my defense attorney, Mr. Cartagena,
10 recalls this very well. And I believe Kenya Wells -- I believe
11 his exact words to me when I asked him for the material back
12 was that all proceedings had to be dismissed against me. And I
13 had said to him well, they have been. But in retrospect, your
14 Honor, I think that maybe the DA's Office thought that because
15 the desk appearance ticket was still lingering -- you know
16 what, I shouldn't hypothesize.

17 THE COURT: Let's not. I agree with you.

18 So at the beginning of this section of our discussion
19 you talked to me about evidence being withheld, evidence being
20 destroyed, evidence being forged.

21 MS. PRICE: Yes, your Honor.

22 THE COURT: So we have been talking about the phones.
23 Is there something else you want to discuss?

24 MS. PRICE: So I have attached in my exhibits marked G
25 and H two separate desk appearance ticket dismissals. You

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1 remember, your Honor, there was the issue of this lingering
2 desk appearance ticket I had been issued in 2010 by Detective
3 Simmons.

4 THE COURT: Yes.

5 MS. PRICE: It still had not been dismissed in 2016.
6 And Judge Preska still had my case at the time, but I asked the
7 District Attorney's Office to give me a certificate of
8 dismissal because I didn't realize that it was still open. I
9 had gone to the clerk's office and I turned in separate tickets
10 of dismissal for the other misdemeanor charges, the 324 and the
11 other charge for the contempt of court. And I had asked for
12 certificates of dismissal from the clerk's office, but I didn't
13 know I had to go to the District Attorney's Office to ask for a
14 separate dismissal from them for some technical reason. I had
15 no idea that DAT still remained open until 2016.

16 So in discovery, one of the first things that
17 Ms. Roque -- before Ms. Angelo was doing discovery -- turned
18 over was this desk appearance dismissal, and it's marked
19 Exhibit H. And it's a completely wholly separate desk
20 appearance dismissal than the one I received from the District
21 Attorney's Office on September 12.

22 And your Honor, I would note that this -- I marked it
23 Exhibit G, I previously turned in -- I know I turned in
24 attached to the complaint that Preska struck in September of
25 2016 because of a filing jumble, and I also turned it in

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1 subsequently. This is the desk appearance ticket dismissal
2 form that I was given. But when the District Attorney's Office
3 provided discovery materials to Cravath, they turned in a
4 wholly different document. And this was very concerning --

5 THE COURT: Ms. Price, let's pause for a moment. You
6 received both pages of Exhibit G?

7 MS. PRICE: Yes, your Honor, on September 12, 2016
8 from the District Attorney's Office.

9 THE COURT: Okay. And they disclosed a completely
10 different document that you had never seen before in the course
11 of discovery in this case, and this is Exhibit H, which I note
12 to be dated September 7 of 2016. Correct?

13 MS. PRICE: Correct.

14 THE COURT: Okay, thank you. Please continue.

15 MS. PRICE: At the time when I received that desk
16 appearance ticket, Mr. Alcantara, who is the author of
17 Exhibit G, told me that nothing had been done. And he called
18 down to the DAT unit, they told him it hadn't been prepared,
19 and so they dictated to him what to say. And I watched
20 Mr. Alcantara type it and hand it to me.

21 Now the distinction here between the two documents is
22 nuanced but magnanimous for this case, your Honor. If you
23 notice in the exhibit marked H, the reason for the DAT not
24 being dismissed allegedly is a delay in processing. And the DA
25 goes out of the way to say, in fact, we weren't able to get to

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1 this and there was a delay.

2 This is significant because there is case law in the
3 Southern District that says if DATs are accidentally left open
4 that there's no culpability. And unfortunately, I don't have
5 that citation handy, I apologize. But we were very confused by
6 this document, and Cravath asked many times if the District
7 Attorney's Office would give us the metadata on this document
8 so we could examine it and see if it was in fact created on the
9 day that they claim.

10 I believe the Court is familiar with IPTC data on
11 documents. Every document has IPTC data associated with it
12 where you can review the date and time where the document was
13 created. But after at least six separate requests over the
14 period of no less than nine months, the District Attorney's
15 Office has been unable to produce this original document for us
16 so that we can examine its e-contents. They have given all
17 kind of explanations about their processes. We asked for the
18 print logs on their printers. We asked for the temp files. We
19 asked for everything. And in fact, we haven't gotten anything
20 satisfactory. And I want your Honor to note that this is the
21 kind of, in my opinion, outrageous re-architecture of a case
22 file that I have seen.

23 If you note, Cravath hired handwriting experts because
24 I persisted in trying to establish that this document was a
25 forgery. And the handwriting experts need more samples, your

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1 Honor, because there's not enough actual lettering on the page
2 to make final decisions to determine if the two people who
3 allegedly signed off on Exhibit H are the same two people. But
4 just eyeballing those two signatures, your Honor, there's a
5 striking similarity, the upward slash, they are like almost
6 exactly parallel. There are sort of so many uncanny features
7 of this document that it goes without saying that I made no
8 bones about the importance, in my opinion, of this document to
9 the City Law Department and encouraged them to try and get an
10 honest answer out of the District Attorney's Office regarding
11 this. And I was told by the City Law Department that in fact
12 they would get back to me on that issue and I never heard
13 anything back on that issue.

14 I have a couple more points, your Honor. I do feel
15 very strongly that the DA's Office did conspire to keep the
16 phones' exculpatory evidence from me. There are some
17 interesting entries in the privilege log sent over of meetings
18 held with DA employees after all charges were dismissed and
19 sealed against me in July of 2012, strategy meetings that are
20 allegedly marked privileged and, when pressed, the answer came
21 back the DA's Office knew it was going to get sued so it was
22 strategizing, and all contents and emails -- which I find to be
23 more than interesting responses. I don't believe that the DA
24 can assert privilege in the federal court, I believe their
25 privilege only extends -- there's all kinds of things that have

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1 come up in discovery, and I could go over them ad nauseam, but
2 I want to let you know that this is why I was pushing so hard
3 to sit down in front of you.

4 I do feel that the statements submitted to you, your
5 Honor, in the winter of 2017 by the District Attorney are
6 patently false. I know that you will recall that I submitted a
7 motion paper to you after you had responded to the District
8 Attorney's affidavit claiming that there was no special
9 relationship between the District Attorney's Office and my
10 abuser, Mr. Powell, but I would like to draw your attention to
11 Exhibit I.

12 THE COURT: I am there, now, yes.

13 MS. PRICE: This is a property clerk's motor vehicle
14 boat invoice issued by the New York City Police Department to
15 Mr. Powell when he was arrested -- I just want to look very
16 carefully at this document -- in August of 2010 on a felony
17 drug sale to Detective David Bailey of the Manhattan South
18 Narcotics Unit.

19 I didn't have this piece of evidence before your
20 Honor, I just found it within the last year in my storage
21 locker, but as you can plainly tell, Mr. Powell was arrested,
22 there's an arrest number there, but there's absolutely no court
23 record of this, your Honor. Mr. Powell was not prosecuted.
24 This is a drug sale to an undercover narcotic officer. He did
25 not get community service, he was not prosecuted. And I submit

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1 this to you, your Honor, as further proof that there is no
2 small amount of enormous relationship between the District
3 Attorney's Office and my abuser.

4 I won't review the documents and arguments I made to
5 you in 2017 about the reasons that I feel that affidavit
6 submitted to you to be false, but I do remember urging your
7 Honor to look at the carefully crafted wording of that
8 document. And, of course, reading Judge Nathan's recent
9 comments to the assistant U.S. attorneys and her demands asking
10 for emails about how those documents were edited, I can't ask
11 you what to do, your Honor, but I'm presenting evidence to you
12 and I hope in some way that you will think about -- issue some
13 kind of sanction or order to the District Attorney's Office to
14 get to the bottom of these carefully crafted documents and
15 statements that they keep making under sworn affidavit to the
16 Court.

17 I can't tell you how frustrating it's been to watch
18 all these things happen in real-time, to go to the City Law
19 Department on bended knee. You will see I submitted my emails
20 where I explain all these materials to the City Law Department.
21 At the bottom of the exhibits I marked them Exhibit K. I don't
22 want to go over them now, but --

23 THE COURT: Before you get to Exhibit K, could you
24 tell me, please, about Exhibit J? Is this a BOP inmate or
25 something like that? I'm trying to understand that.

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1 MS. PRICE: I entered this as another piece of the
2 puzzle that I'm trying to make sense of. Mr. Powell was
3 arrested and incarcerated in Brooklyn in the summer of 2019,
4 but again, I have gone -- I have no proof of this, because you
5 can't get proof of no proof when you go to a county clerk and
6 ask for proof of proceedings, but the Brooklyn Criminal Court
7 has no evidence of this prosecution of Mr. Powell or evidence
8 of any court proceedings against him ever.

9 THE COURT: Can I ask you to pause, please, for a
10 moment.

11 The MDC Brooklyn, is it -- the one that I know is a
12 federal facility, so might it not be the case that Mr. Powell
13 was prosecuted federally, and that looking in state courts for
14 his prosecution might not prove as useful as looking in federal
15 courts? There may be an MDC in Brooklyn that is also state
16 related, but the one that I deal with on a regular basis is a
17 federal facility.

18 MS. PRICE: I beg your pardon, your Honor. I think
19 you're absolutely right, and maybe J is not my strongest piece
20 of evidence. I beg your pardon.

21 THE COURT: Are you offering to me Exhibit J as
22 further proof that Mr. Powell had criminal matters for which
23 you can find no documentation?

24 MS. PRICE: Yes, your Honor, but you are correct, I
25 did not look in the federal files, and I could be absolutely

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1 incredibly wrong about this. Yes, your Honor. Although I hope
2 you look at the other things that I submit to you.

3 THE COURT: Yes, of course.

4 MS. PRICE: I am embarrassed to step on your words,
5 your Honor.

6 THE COURT: Not at all.

7 MS. PRICE: I said I don't know everything about the
8 courts.

9 THE COURT: I understand. Let's please go on.

10 About Exhibit K, you just want me to review Exhibit K,
11 do I understand that correctly?

12 MS. PRICE: I want the Court to see that I made my
13 best efforts to discuss with the City Law Department the
14 implications of what I believe to be criminal and further
15 unconstitutional acts by the District Attorney and the
16 implications, perhaps asking the Court to add the District
17 Attorney back for denying me my material, my First Amendment
18 right to redress my government for grievances. I have been
19 denied satisfaction because I haven't had satisfactory proof,
20 and that's denying me my First Amendment right, my 14th
21 Amendment Right. I discussed the implications of this proof,
22 especially the DA statements that the phones hadn't been
23 processed when right there there are traces that the DA -- I
24 discussed all these things.

25 I also laid out punitive, actual punitive and

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1 equitable relief, and I believe my equitable relief is really
2 fair. And I really tried to engage with the City Law
3 Department. I added the response from the City Law Department
4 that was really, for me, heartbreaking, because I really liked
5 Ms. Iheanachor --

6 Did I get it right, Ms. Iheanachor?

7 MS. IHEANACHOR: Iheanachor.

8 THE COURT: We're both -- Ms. Price, you and I will
9 have both have trouble with that, and Ms. Iheanachor will
10 forgive us for this.

11 So you're asking me to basically look at things that
12 have previously happened in this case in light of evidence that
13 you received more recently.

14 MS. PRICE: I just don't understand, your Honor, why
15 the City Law Department is letting the District Attorney's
16 Office represent itself in this case and is letting it -- I
17 don't understand. *Walker v. City of New York* determines the
18 District Attorney is a policy-making official, the City is just
19 as responsible for his actions, his failure to supervise, all
20 of the above. It's heartbreaking.

21 So I would really like to have a fair conversation.
22 And I tried, on August 27 to have a fair conversation, and
23 Ms. Iheanachor kept saying to me our current offer of
24 settlement is \$2,500. And I said: What about my equitable
25 relief? It's heartbreaking that we couldn't have a

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1 conversation about why the City Law Department doesn't see all
2 of this material as exculpatory as I do, because I do feel that
3 I'm in a place where I could ask the Court -- even though I
4 don't believe I have the full picture.

5 The DA's Office still hasn't given me any of my
6 complaints against Raheem. They claim that since those
7 proceedings were determined in his favor that I'm not entitled
8 to any of the files about my complaints against him without a
9 Court order. But I do believe we gave a Court order. Maybe we
10 need another Court order. The District Attorney's Office
11 taunted me and said I could ask Mr. Powell for his permission
12 to release those files to me, which I thought was very
13 insulting. So there's a lot more here that I feel I would like
14 to say. I do appreciate that you allowed me so much time at
15 the beginning. I've said a mouthful.

16 There's one other thing I would like to add that I
17 have discovered since I have last been in touch with the Court
18 and your Honor, and that's that -- I never realized this, but I
19 lived across from Linda Fairstein years ago on East 70th
20 Street, and she was always yelling and complaining. And it
21 turns out Linda Fairstein, when she left the DA's Office, was
22 the person that came to intelligence who sent all the data to
23 form the Palantir algorithm about who was a true fabricator of
24 sexual violence and who wasn't.

25 So I keep pressing the DA's Office for all this

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1 information about who said I was a fabricator, and I'm not
2 getting any of this, but there's a wealth of material out there
3 that I'm really going to have to fight for if this case moves
4 forward. And I made an appeal to the City Law Department to
5 have pity on me, it's now been ten years, and I really asked
6 her to just settle with me. And your Honor, I just feel like
7 you might be a better interceptor in getting the magnanimity of
8 this material through to the City Law Department.

9 Thank you, I'm tired of the sound of my voice.

10 THE COURT: Thank you. Ms. Price, may I ask you
11 something related to what you have been saying, and that is we
12 have two sets of folks of counsel on the line, one representing
13 the City defendants and one representing the MTA. I thought I
14 understood from materials submitted to me preliminary to this
15 conference that while the City defendants were not interested
16 in settlement, the MTA was. I don't know what your views are
17 on that point, and I don't know if you have had discussions
18 separate with the MTA defendants about the possibility of
19 settlement. I don't know, again, what your thoughts are.

20 MS. PRICE: Your Honor, thank you. I have spoken with
21 Mr. Barnes, and quite frankly, I find him to be an entirely
22 likeable professional person who is ready to talk about the
23 reality of this case.

24 I might allow Mr. Barnes to summarize our discussions
25 and update us on where they are, because he had some things he

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1 was going to back to me on. Maybe he's ready to share. But if
2 I have any problems with his representations, I will let you
3 know, but if you don't mind, maybe he could answer where we
4 are.

5 THE COURT: Sure. I'm not trying to push one thing or
6 the other, I want to understand the views of the parties.

7 Mr. Barnes, do you want to be heard on this issue?

8 MR. BARNES: Sure, your Honor. So I have not been
9 included on the majority of the discussions that have been
10 taking place this year. I wasn't actually aware they were
11 taking place. I thought that discovery had simply been stayed
12 since March and that everything was on hold. But I found out
13 about a month ago that discussions were taking place and had a
14 phone call on, I believe it was October 7, with Ms. Price. And
15 I have authority to settle on behalf of the MTA defendants for
16 what the MTA defendants believes to be a reasonable amount.

17 THE COURT: Please don't tell me what that is, sir.

18 MR. BARNES: I know, I'm not going to.

19 THE COURT: Okay.

20 MR. BARNES: But I was going to add that Ms. Price
21 suggested that we hold off on actually having any dedicated
22 settlement negotiations until she has more information about
23 the MTA Police Department's access to any shared database for
24 law enforcement purposes that the MTA PD and the New York City
25 Police Department share, because she is concerned about her

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1 ability to still get discovery that she believes she may need
2 from the MTA to support her broader case against the City. I
3 assured her that she could possibly still subpoena the MTA for
4 this information, but nonetheless, we decided to hold things
5 off until the present.

6 THE COURT: Okay, I understand. Mr. Barnes, is there
7 a possibility that part of your settlement with Ms. Price, were
8 there to be one, would be provision of information in the
9 possession, custody and control of the MTA?

10 MR. BARNES: We would be happy to supply the
11 information that we have. We served demands for document
12 disclosure and interrogatories and other such things in January
13 and received a response from Ms. Price through her Cravath
14 attorneys in February along with demands from us, but because
15 the way that we understood it -- and the parties discussed this
16 at this time and agreed that discovery was stayed -- the stay
17 of discovery prevented us from ultimately responding to those
18 demands.

19 THE COURT: I appreciate that. Thank you.

20 Mr. Barnes, is there anything else -- it sounds like
21 you're open to the possibility of settlement, you're open to
22 the possibility of completing certain extant or open discovery
23 requests, and that you have been engaged in discussions with
24 some level of productivity with Ms. Price. Am I overstating
25 the issue, sir?

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1 MR. BARNES: I think that's fair to say. I will add
2 one thing to the discussion of the discovery that Ms. Price
3 would like from the MTA. I was asked to look into the
4 existence of some shared database. Ms. Price thought that it
5 was something run by Palantir.

6 What I have discovered is that there is a database
7 called E-Justice New York which the MTA Police Department has
8 access to and which I believe the New York City Police
9 Department also uses, and that is administered by the New York
10 State Department of Criminal Justice Services. And I am trying
11 to get Ms. Price's actual record from that, but I have run into
12 a problem where the State Division of Criminal Justice Services
13 views disclosure even to counsel for the MTA as a violation of
14 the agreement that the MTA has to use that database. So I will
15 need to address that going forward.

16 THE COURT: Mr. Barnes, if that is something that a
17 Court order might be useful in clearing up, you will please let
18 me know?

19 MR. BARNES: Absolutely, your Honor.

20 THE COURT: Thank you very much. Mr. Barnes, is there
21 anything else you would like me to know?

22 MR. BARNES: No, your Honor.

23 THE COURT: Thank you. Ms. Iheanachor -- and again I
24 apologize in advance, am I at least getting closer to the
25 pronunciation of your name?

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1 MS. IHEANACHOR: Yes, your Honor.

2 THE COURT: Thank you. I have just heard a lot in the
3 last 45 minutes or so of discussion. I don't know how you
4 would like to address it, but I imagine that you do want to say
5 something in response, so let me please hear from you.

6 MS. IHEANACHOR: Yes, your Honor. So I guess first as
7 to settlement, our position is not that we do not want to
8 settle this case with Ms. Price, we are certainly open to
9 discussing settlement with her, but as she described, we did
10 make her an offer of settlement that we felt was reasonable
11 under the circumstances, and in our communications we did
12 discuss the fact that the injunctive relief and equitable
13 relief that she had mentioned is not something that the City
14 Law Department can offer in terms of a settlement. So while we
15 definitely understand her position, it is just something that
16 we simply can't do.

17 But turning to discovery in this case, given that the
18 claims as it is against the City defendants pertaining to a
19 false arrest and malicious prosecution claim having to do with
20 Detective Simmons from plaintiff's arrest in October of 2010
21 and then subsequently another false arrest claim pertaining to
22 her removal to Bellevue Hospital on July 2nd of 2015, we do
23 believe that, with the exception of this additional discovery
24 that Ms. Price mentioned earlier this year, that we completed
25 discovery for that as it relates to the claims against the City

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1 defendants.

2 THE COURT: I don't quite understand what happened
3 with these two phones and how they're only being released in
4 March of this calendar year. Have you looked into this
5 incident? Are you going to tell me that I should not be as
6 concerned as I currently am? Because it sounds as though
7 Ms. Price did make multiple requests for the return of the
8 phones and only now got them back. That is troubling thing
9 number one, but perhaps you can explain it.

10 Troubling thing number two is the forensic examination
11 does appear to show deleted files, and I'm not really sure the
12 rhyme or reason of the files that were deleted, which,
13 according to at least the exhibits I have been shown -- and
14 I'll be clear, I cannot speak to their authenticity or when
15 they were created, but there does appear to be a series of
16 modifications and deletions one week after Ms. Price turned in
17 the phones at what I would consider a proffer session. So how
18 did that happen? If you know.

19 MS. IHEANACHOR: So directed to the District
20 Attorney's Office, I -- my understanding is that we, at the
21 City Law Department have little control over what the Manhattan
22 District Attorney's Office does in terms of the procedures with
23 which they withhold certain property. And generally the
24 Manhattan District Attorney's Office represents itself, as I
25 believe Ms. Roque and Ms. Angelo had made appearances at the

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1 time when they were still defendants in this case from the
2 Manhattan District Attorney's Office. So as far as the claims
3 against the City, and I am not aware that anything having to do
4 with these phones has any direct affect on the specific claims
5 of false arrest and malicious prosecution from 2010 or from her
6 false arrest claim having to do with her removal to the
7 hospital in 2015. So that's essentially my understanding of
8 the nature of the phones.

9 But also to the point that when your Honor had issued
10 an order asking us to the point that we could engage in
11 additional settlement negotiations, and I think that Ms. Price
12 had mentioned the conditional discovery back in March when your
13 Honor adjourned the initial settlement conference, I did
14 request that information from Ms. Price and I did not receive
15 it. So what I'm seeing now that she shared with us today is
16 the first time that I have seen any of this other documentation
17 pertaining to what her previous attorney had done as far as the
18 forensic examination of the phone.

19 THE COURT: I don't want to misstate what you just
20 said, but I think what you're saying to me is you're not in a
21 position to speak to a lot of the evidence that I have been
22 reviewing with Ms. Price this afternoon, but separately, for
23 the claims that remain in the case, and indeed, Ms. Price is
24 asking me to put some more claims back in the case, the claims
25 that remain, this evidence is not relevant to those claims?

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1 MS. IHEANACHOR: Yes, your Honor.

2 THE COURT: I'm neither agreeing or disagreeing but I
3 do understand what you're saying.

4 MS. PRICE: Your Honor, I want to say that the desk
5 appearance ticket, 2010, Detective Simmons has everything to do
6 with the evidence that I turned over. You will see my emails
7 are attached. I did email it to Ms. Iheanachor where you will
8 see I sent it in evidence.

9 THE COURT: I believe what they're saying -- and
10 again, I'm not here to speak as translator for either side, but
11 I believe that what defense counsel is saying for the City
12 defendants is there has been motion practice in the case and
13 certain claims were dismissed from the case. And you may now
14 be arguing to me, Ms. Price, that in light of the evidence that
15 you have received and have presented in this particular
16 conference, that perhaps the Court should think about whether
17 it made the right decision with dismissing those claims. But
18 with respect to the claims that remain, it is the position of
19 Ms. Iheanachor that the evidence, even the evidence that you're
20 showing to me now, doesn't actually pertain to or is relevant
21 to claims that remain in the case. And I think you disagree
22 with that, but I think that's the position that they're taking.

23 So I want to continue with Ms. Iheanachor, then I will
24 come back to you, Ms. Price.

25 So thank you, Ms. Iheanachor, is there something else

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1 that you would like me to know?

2 MS. IHEANACHOR: That's it, your Honor. That's the
3 extent of it.

4 THE COURT: So just going back to -- I think I always
5 bristle a little bit when I am told that things can't be done,
6 and that is my own failing, but when you say the injunctive and
7 the equitable relief that she seeks cannot be accomplished in
8 settlement, what do you understand to be the injunctive and
9 equitable relief that Ms. Price is seeking? Then I will
10 understand from that better why you believe that cannot be
11 achieved in the context of settlement discussions.

12 MS. IHEANACHOR: Yes, your Honor. As it relates to
13 one of the emails that Ms. Price sent in late August, I believe
14 she is requesting for District Attorney Vance to write a letter
15 apologizing for his sins against her, that's a quote, and also
16 for the City of New York to admit that other survivors --

17 THE COURT: Sorry, you're cutting out. I hope that
18 you returned.

19 MS. IHEANACHOR: I'm so sorry. Can you hear me now?

20 THE COURT: I can now, thank you. The first thing was
21 the apology letter, the second thing was, and that's when I
22 stopped hearing you.

23 MS. IHEANACHOR: Sorry, yes. The other thing was
24 ostensibly a public statement from the City of New York
25 apologizing for labeling certain survivors of sexual violence

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1 as fabricators and to be taken off of a do-not-serve list that
2 is allegedly maintained by Palantir and other technology
3 corporations.

4 THE COURT: Again, Ms. Iheanachor you're cutting out.
5 And we were doing so well. I believe the issue was being taken
6 off of a do-not-serve list, and could you continue from there,
7 please?

8 MS. IHEANACHOR: Yes, your Honor. And her request to
9 be taken off of a do-not-serve list that is maintained by
10 Palantir wherein she's alleging that the New York City Police
11 Department has noted her as a fabricator. And so that goes to
12 the equitable relief for which we are not in a position to
13 direct the District Attorney's Office or the City of New York
14 to make any --

15 THE COURT: Ms. Iheanachor, you cut out again. You're
16 not in a position to direct the City of New York to -- please
17 finish.

18 MS. IHEANACHOR: I'm sorry. To issue a public apology
19 or any type of statement pertaining to the things with which
20 Ms. Price is discussing or may be aware of that she is entitled
21 to as equitable relief.

22 THE COURT: Let me please ask you this, let's imagine
23 that at the end of this we concluded that Ms. Price was not a
24 fabricator, is there in fact, if you know, some database
25 accessible by or in use by some city agency that lists her as

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1 one?

2 MS. IHEANACHOR: There is not, your Honor.

3 THE COURT: There is not. I should have asked a
4 better question. Let me ask that now. Was there ever a
5 database or a list of folks who are deemed fabricators?

6 MS. IHEANACHOR: No, your Honor.

7 THE COURT: No. The do-not-serve list of which
8 Ms. Price speaks, is that not a thing?

9 MS. IHEANACHOR: There is no --

10 THE COURT: You got to find a better location, I'm not
11 hearing you again.

12 MS. IHEANACHOR: Can you hear me now?

13 THE COURT: I can.

14 MS. IHEANACHOR: Sorry, I'm right next to the window
15 now.

16 Yes, there is no such thing as a do-not-serve list.

17 THE COURT: Okay.

18 MS. PRICE: Your Honor --

19 THE COURT: Ms. Price, no, I will get to you in a
20 moment, Ms. Price. I want to hear Ms. Iheanachor first.

21 Ms. Iheanachor, why is it that Ms. Price believes that
22 she has been designated a person unworthy of belief by the NYPD
23 or other city agencies?

24 MS. IHEANACHOR: My understanding --

25 THE COURT: Did she make this up?

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1 MS. IHEANACHOR: My understanding is that I believe
2 Ms. Price has submitted a letter or communication that she had
3 with a former officer of the NYPD who allegedly mentioned
4 something to the effect of a list that the NYPD had of certain
5 people who either tend to make a lot of complaints and
6 complaints are unfounded. And as far as official NYPD
7 paperwork or anything to that effect, from my --

8 THE COURT: No, wait, stop. I lost you again.

9 MS. IHEANACHOR: From the City's perspective and from
10 our own searching, there is no such list to that effect. So I
11 can't speak to what this particular individual that Ms. Price
12 has allegedly spoken with said about NYPD policies, but our own
13 review of NYPD policies has not revealed the existence of any
14 such list or database.

15 THE COURT: Does the NYPD have access to Palantir?

16 MS. IHEANACHOR: Not to my knowledge, your Honor.

17 THE COURT: Not to your knowledge, really? Are there
18 any city agencies of which you are aware that have access to
19 the Palantir system?

20 MS. IHEANACHOR: Not that I'm aware of, your Honor,
21 no.

22 THE COURT: Okay. There's reference to a system
23 called Cobalt, is that a system that at least you're familiar
24 with?

25 MS. IHEANACHOR: I'm not familiar with the Cobalt

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1 system.

2 THE COURT: And Domain Alert Awareness?

3 MS. IHEANACHOR: I'm not familiar with that system.

4 THE COURT: These are things that I believe were
5 discussed with you in Ms. Price's email from July of this year,
6 actually. And so are you saying that there is no -- well, is
7 there any database to which the NYPD has access in which
8 Ms. Price is contained at all?

9 MS. IHEANACHOR: No.

10 THE COURT: No? She had two desk appearance tickets,
11 is she not --

12 MS. SMITH-WILLIAMS: Your Honor --

13 THE COURT: Yes.

14 MS. SMITH-WILLIAMS: I'm sorry, this is Qiana
15 Smith-Williams. If I may, your Honor?

16 THE COURT: I would be happy to hear from you, yes,
17 especially if your phone doesn't cut out. Go ahead.

18 MS. SMITH-WILLIAMS: I hope it does not. I will try
19 my best.

20 Ms. Price has made a number of complaints over the
21 years, so any time that an individual makes a complaint, it, of
22 course, goes into the NYPD system. So of course her complaints
23 would be reflected in the NYPD databases, so she does appear
24 there. The NYPD, as Ms. Iheanachor was previously stating
25 doesn't use Palantir, or that's our understanding, so we would

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1 have access to -- as far as NYPD, in any way, we would not have
2 access to anything in Palantir, so to speak.

3 So while she does likely appear in the database as it
4 applies to complaints, you can put in her name and any
5 complaint that she has made would appear in the complaint
6 system.

7 THE COURT: I want to focus on the complaint system.
8 So in this complaint system, these complaints are collected,
9 and I appreciate that, but is there any workup that has been
10 done of these complaints? For example, is there any discussion
11 in these databases about the resolution of the complaints or
12 about whether these complaints were found to be substantiated,
13 to use a term that I know is a little bit fraught in this
14 context, but I'm trying to figure out whether the database is
15 just a collection of documents untethered to any review or
16 analysis of them or something else.

17 MS. SMITH-WILLIAMS: The only thing that the complaint
18 would be attached to is whether or not there was an arrest made
19 in connection with the complaint that was made. That's the
20 only sort of connection that would be made between the
21 complaint system itself and let's say the arrest, the arrest
22 paperwork. But other than that, no, there's no indication --
23 no one looks at the complaint, so to speak, to see whether or
24 not she has had unfounded complaints and made some notation,
25 there's nothing like that that goes on, no, your Honor.

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1 THE COURT: Okay. You'll excuse me for asking this
2 question, but you know this how?

3 MS. SMITH-WILLIAMS: Based on ten years of working
4 with the police department and a familiarity sometimes more
5 than I like with the databases as these things come up in any
6 number of cases.

7 THE COURT: Okay. Let me please use this analogy: I
8 can, in the ECF system, type in the name of a person or the
9 name of an entity or the name of an attorney -- not to suggest
10 that attorneys are not people -- and I can get results. If I
11 type in the name of a particular litigant and I see that there
12 are dozens and dozens of complaints, all of which were
13 dismissed shortly after filing, no one has said anything to me
14 but I might draw something about the viability of the
15 complaints filed by this individual. Are you saying there's no
16 similar way to draw any conclusions about the veracity or not
17 of a complainant simply by dint of their inclusion in the
18 database?

19 MS. SMITH-WILLIAMS: I think it's a difficult question
20 to answer. If I'm an individual and I went in and I typed up
21 Ms. Price's name and I looked and there were 20 complaints,
22 could I look at those complaints and make some subjective
23 analysis as to whether or not I believed there was any merit to
24 the complaints she's making? Sure, I could do that
25 individually. But as the police department, there's no one

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1 going in looking for Ms. Price and her number of complaints to
2 assess whether or not she's generally a fabricator.

3 THE COURT: Ms. Williams, there's a reference in
4 Ms. Price's emails over the summer to algorithm ratings for
5 credibility. To the best of your knowledge, does the NYPD use
6 any form of algorithm to assess the credibility of any
7 complainant or witness?

8 MS. SMITH-WILLIAMS: I don't know if we posed that
9 exact question, so your Honor, I can't really speak to that,
10 but we have had discussions about whether or not there's any --
11 there has been any sort of notation to Ms. Price being a
12 fabricator, and the answer has been no.

13 THE COURT: Can you ask that question to the folks who
14 can provide an accurate answer to that question?

15 MS. SMITH-WILLIAMS: Sure.

16 THE COURT: Can you let me know what that answer is?

17 MS. SMITH-WILLIAMS: Absolutely.

18 THE COURT: You were telling me as well that
19 Ms. Price's name, is it that it may appear in arrest databases,
20 and would that be as potentially a complainant and as
21 potentially the subject of an arrest?

22 MS. SMITH-WILLIAMS: Both.

23 THE COURT: Okay. And are there other databases in
24 use by the NYPD where her name might appear?

25 MS. SMITH-WILLIAMS: If there were any domestic

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1 violence incidents and she filed domestic violence incident
2 reports, it might appear there.

3 THE COURT: Let's pause there with the domestic
4 violence incident reports. Is there any workup of those
5 reports that would speak to the credibility of the complainant?

6 MS. SMITH-WILLIAMS: I guess I'm not quite sure what
7 your Honor is asking.

8 THE COURT: I haven't seen what this database looks
9 like, so just like you know and I know the CCRB databases and
10 the ways in which certain CCRB complaints are resolved, and
11 there's founded, unfounded, substantiated, unsubstantiated,
12 things of that nature, you're aware of that. What I'm asking
13 is: Is there a similar method for analyzing domestic violence
14 complaints?

15 MS. SMITH-WILLIAMS: No, your Honor, it's a collection
16 of data, so it is essentially just a collection of the reports.

17 THE COURT: Okay. Now are there other databases used
18 by the NYPD in which Ms. Price's name might appear?

19 MS. SMITH-WILLIAMS: That's pretty much it.

20 THE COURT: Pretty much. I would like a little more
21 definitive, please. There's nothing else that you can recall?

22 MS. SMITH-WILLIAMS: If, potentially, she ever made a
23 911 call, if she was listed as her phone number being attached
24 as providing a witness or subject it could be in the E-911
25 system, but that's pretty much the universe of where you would

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1 see information.

2 THE COURT: What about 311 calls? Do you also log
3 those in a similar manner?

4 MS. SMITH-WILLIAMS: 311 calls are logged. It's a
5 separate system, it's not a NYPD system. There is a 311
6 system.

7 THE COURT: Separate from the 311 system, are there
8 other city administrative or non-NYPD systems where her name
9 might appear?

10 MS. SMITH-WILLIAMS: That is not anything that I think
11 I would ever really be able to answer. As your Honor knows,
12 there are like thousands of city agencies, so it would be
13 difficult to answer whether or not her name appears in any city
14 database.

15 THE COURT: All right. Thank you, Ms. Williams, I
16 appreciate you picking up the baton for your colleague. Is
17 there anything else that you would like me to know? I've had a
18 substantial conversation with Ms. Price and I'm about to return
19 to her for her thoughts, so before I do, is there any issue
20 that you would like to speak on that you have not?

21 MS. SMITH-WILLIAMS: I just would briefly like to
22 touch on the issue with the Manhattan DA. It's a bit sort
23 of -- I don't want to say unfair, but --

24 THE COURT: I'm neither agreeing or disagreeing with
25 you, but I appreciate the adjective that you have chosen.

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1 MS. SMITH-WILLIAMS: We had sort of no advance
2 indication that a lot of Ms. Price's concerns about discovery
3 or the lack of discovery or purported misconduct as it relates
4 to discovery would be regarding the DA's Office, so they
5 haven't really been given an opportunity to appear and address
6 her concerns. And as your Honor is aware, the DA's Office
7 typically represents themselves. They're not an agency that
8 the New York City Police Department represents or frankly has
9 any control over. So I know that your Honor was mentioning
10 that perhaps Ms. Price would be asking for certain claims to be
11 reinserted into this matter, and I think if your Honor was
12 considering that beforehand that we should definitely give them
13 the opportunity to speak as to these various issues.

14 THE COURT: I'm not disagreeing with that at all. I
15 think I'm understanding from you today that, without agreeing
16 or disagreeing with what Ms. Price has said, you're not in a
17 position to speak to the issues.

18 MS. SMITH-WILLIAMS: We are not.

19 THE COURT: I understand.

20 Ms. Price, I will hear from you again, thank you.

21 MS. PRICE: Thank you, your Honor. And thank you,
22 Ms. Williams. It's nice to meet you, by the way.

23 Three quick points, the City Law Department absolutely
24 is responsible for the District Attorney's actions. I heard
25 Ms. Williams say that NYPD doesn't represent the District

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1 Attorney, but the last time I checked, Ms. Williams, you work
2 for the New York City Law Department, not the NYPD. And I
3 don't understand why the City Law Department doesn't represent
4 the District Attorney's Office like it does every other agency
5 in power. I don't understand how the City Law Department hides
6 behind this construct where the DA represents itself and gets
7 to manufacture it's own. I don't understand that.

8 THE COURT: Ms. Price, before you get to your second
9 point, I will push back a little bit on that. In all cases
10 that I have had where the DA's Office is a party to the
11 litigation, as distinguished from someone prosecuting the
12 matter, they have represented themselves. It has not been the
13 law department representing them, it has been someone at the
14 DA's Office.

15 And so I appreciate what you're saying and I
16 appreciate your belief that the Law Department could represent
17 them. I'm not yet willing to go with you to the point of
18 saying that the fact that the Law Department does not represent
19 the DA's Office is somehow indicative or somehow deliberately
20 designed to permit the manufacture, the hiding or the
21 alteration of evidence. I appreciate that you don't understand
22 why they do it, and that may be something that I'll get more
23 information on, but I'm not yet willing to accept the
24 proposition that the fact that they don't represent them is
25 somehow designed to allow fraudulent conduct to be perpetrated.

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1 Let's go to your second point, please.

2 MS. PRICE: I apologize, I'm still pro se and I will
3 mind myself. I departed. I would add that it definitely
4 increases the burden on me.

5 THE COURT: Yes, of course.

6 MS. PRICE: And the second thing I want to say is that
7 I have had -- and I told you in previous conferences in front
8 of you, your Honor, that in one instance NYPD Officer Bonham
9 from the 34th Precinct opened up his Android phone and said it
10 says right here, Ms. Price, the NYPD Detective Bureau says that
11 you are not to receive police services, that you are a
12 fabricator. And if I have to depose Officer Bonham, I will.

13 In addition, it has come out -- and I haven't shared
14 this with you -- that the District Attorney's Office had the
15 28th Precinct announcing roll calls for months on end and hold
16 up my photo and saying I was not to received police services if
17 the officers encountered me on the street or responded to a
18 radio run. And Lieutenant LaRoca will testify to that as well
19 as any number of former officers of the 28th Precinct that I
20 have been in touch with and have verified that in fact this
21 happened. I cannot get now Chief of Detective Rodney Harrison
22 to verify that. He has repeatedly told me that if he is
23 subpoenaed, he will tell the truth, but there's a plethora of
24 evidence out there that is dispositive to the statements made
25 today.

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1 Anyway, those were the three points that I wanted to
2 make.

3 THE COURT: Okay. Thank you. I, on this level, have
4 failed you all in this regard. Let me explain why I'm
5 confessing failure. I thought I understood how today's
6 conference would go, but I was not expecting to receive the
7 exhibits from Ms. Price which have occupied a lot of this
8 conference and are really just making me think.

9 So what I would like to do is I'm going to beg your
10 indulgence. I want to spend some time reviewing my own prior
11 rulings in this matter and these exhibits and thinking about
12 how best to proceed and who I would want at a next conference
13 in this case.

14 So please know that I will not forget about this case
15 or let it fall through the cracks, but I want you to give me
16 the time to look at these issues with greater care. While I'm
17 doing that, Mr. Barnes, I will not to stop you, if you want to
18 have continued discussions with Ms. Price; indeed, to my
19 friends from the Law Department, I won't stop you either, but I
20 want to think about the discovery in this case and how best it
21 should proceed. So I ask you for that indulgence.

22 That is all that I have on the table for today's
23 conference.

24 Ms. Price, is there anything else you would like to
25 address to my attention?

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1 MS. PRICE: I very carefully, your Honor, scripted
2 what I wanted to say today point by point. If it will be
3 helpful to all parties, I'm happy to distribute that, but if it
4 would increase the burden, I could keep it to myself.

5 THE COURT: You're not here to see it, but I took
6 very, very detailed notes, and I know we had a court reporter
7 taking it down, so I believe we are fine. But know if I need
8 to hear from you about what you said or recapitulate what you
9 said, I ask you, please, to keep those notes.

10 MS. PRICE: Thank you, your Honor.

11 THE COURT: Thank you very much.

12 Mr. Barnes, is there anything else that you would like
13 to bring to my attention?

14 MR. BARNES: Just to be clear, your Honor, I would
15 like to ask: Is the stay in discovery still in place for the
16 time being then?

17 THE COURT: It is, sir, pending further order of the
18 Court. Thank you for the confirmation.

19 MR. BARNES: You're welcome, your Honor. Could I ask
20 for an oral exemption to that for anything that I need from the
21 Division of Criminal Justice Services regarding any record they
22 may or may not have of Ms. Price?

23 THE COURT: Given that those requests are made in
24 furtherance of settlement discussions that I think would be
25 productive, yes, you do that have that exemption, sir.

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1 MR. BARNES: Thank you, your Honor.

2 THE COURT: Ms. Williams, I'm directing it to you
3 because I could hear you better, Ms. Williams, is there
4 anything else that you or your colleague wishes to bring to my
5 attention?

6 MS. SMITH-WILLIAMS: No, your Honor.

7 THE COURT: Thank you all very much. Please, I wish
8 you continued safety and good health during this pandemic.
9 Stay safe and we will talk again.

10 Thank you, we are adjourned.

11 MS. SMITH-WILLIAMS: Thank you, your Honor.

12 MS. PRICE: Thank you, your Honor.

13 (Adjourned)
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